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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/109,343	06/30/1998	SHANTIGRAM JAGANNATH	082771.P277	3430

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EXAMINER

LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 06/14/2004

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/109,343

Applicant(s)

JAGANNATH ET AL

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-11,14,16,19,21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-11,14,16,19,21,23,24,28 and 36 is/are rejected.
- 7) ☒ Claim(s) 25 and 29-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-11, 14, 16, 19, 21, 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Goff et al U.S. Patent Number 6,438,127.

Re Claims 1, 8, 16, 24, 26, fig. 1 teaches plurality of VPNs coupled to the IP backbone (a first edge router, a backbone router, a second edge router). It is inherent that the routers in the IP network to include a processor and tables to perform routing of packets. In particular, teaches that each VPN is associated with an VPD-ID and a disjointed partial address space (each table associated with a different VPN) (See fig. 2 & col. 4, lines 29-51). Le Goff is not explicit that each disjointed partial address space is a table used for routing. However, it is recognized to one skilled in the art that tables are collection of data used for routing. Le Goff teaches, in order to separate virtual networks A and B, a filtering of data packets and routing information is utilized based on the VPN-ID. Once the VPN-ID is filtered from the routing information, addressable host can be matched form the address space or table.

Further teaches that VPN-ID are contained in the packet and exchanged between the routers (col. 3, lines 53-64).

Le Goff et al fails to explicitly teach "having a label that includes a VPN-ID according to the MPLS standard.

It is known to one skilled that MPLS allows the IP packets to switched at a higher rate than routing. This is a small header called a label is encapsulated onto the IP datagram and forwarding is based on the label as oppose to the destination UP address.

One skilled in the art would have been motivated by known MPLS standard to modify the Le Goff et al to include the VPN-ID into the label of the known MPLS standard to improve throughput.

Therefore, it would have been obvious to one ordinary skilled to include an VPN-ID into the label of the MPLS standard.

Re Claim 2, 3, 9, 10, the tables in the fig.1 router are routing or forwarding tables.

Re Claim 5, the routers inherently have a port for transmitting packets.

Re Claims 7, 27, 28, refer to Claim 1, wherein label inherently includes a forwarding label to conform to the MPLS standard and includes a VPN-ID to enable routing.

Re Claims 11, 14, 19, 23, refer to Claim 1, wherein each of the routers of fig. 1 inherently maintains an VPN-ID table to distinguish over other VPNs.

Re Claims 24, the backbone router inherently comprises a second route table to route other than VPN-ID association.

Allowable Subject Matter

3. Claims 25, 29, 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 5/27/04 have been fully considered but they are not persuasive.

In view of inherency, Applicant requests examiner to provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessary flows form the teaching of the applied prior art.

See MPEP 2131.01

Evidence of inherency must make be clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

In this case, Le Goff et al teaches that the routing of information is filtered using routing maps and distribution lists (See col. 4, line 28). It is recognized to one skilled in the art that a processor functions to filter routing information by routing maps/tables. Hence, a processor must be necessary present inside the router to perform the filtering of the routing information.

Each VPN-ID is associated with a address space of reachable hosts.

By definition, a table is a collection of data use for routing. Since, each VPN-ID is associated its own address space, a table is uniquely associated with the VPN-ID.

Re Claims 2, 3, 9, Examiner does not assert that routers are routing tables or forwarding tables. Examiner contends that router have tables for routing. These tables can be routing or forwarding tables. The routers use the table for forwarding and routing of packets. Clearly, one skilled in the art would have recognized that routers are not tables but are necessarily components of the router.

Re Claims 11, 14, 19, 23 refer to Claim 1.

Re Claim 24, the claim recites a "a backbone router comprises a second route table". It is clear that fig. 1 discloses plurality of backbone routers and within each backbone router inherently includes a table (a second table). The claim does not require any VPN-ID association.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AL 
6/8/04 EXAMINER